IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.8576 OF 2006

Yasmin Mohamed Yunus Valibhoy & Anr. ...Petitioners
Vs.
Collector of Mumbai (MSD) & Ors. ...Respondents

Mrs. Veena Thadhani for Petitioners
Mr. P.I. Khemani AGP for Respondents 1 & 3
Mr. C.U. Singh with Mrs. Soma Singh i/b.
Bobby Malhotra for Respondents 4 & 5

CORAM: SMT.RANJANA DESAI &
SMT.ROSHAN DALVI, JJ.
DATED: 19TH DECEMBER, 2007

P.C.

1. We have heard the learned Counsel for the parties. Petitioner No.1 a Singapore National is the owner of the building known as “Roopleela” bungalow, comprising ground plus one storey, with open space on Plot No.17, TPS II 102, Juhu Tara Road, Santacruz (West), Mumbai-400 049.

2. The learned Counsel for the petitioner states that the first petitioner has sold the above property to the second petitioner. The basic grievance of the petitioner is that the 4th and 5th respondents with whom the first petitioner had entered into a

leave and license agreement, are carrying on business in the open space outside the bungalow in breach of the licences granted to them by relevant Authorities. Mr. Singh, the learned Counsel for respondents 4 and 5 seriously disputes this. He states that the 4th and 5th respondents are carrying on business in accordance with the licences. We have noticed and it is also admitted by the parties that there are several cases pending in different Courts between the parties. In our opinion this petition involves disputed questions of fact which we are unable to deal with, in our writ jurisdiction. Needless to say that the different Courts, in which cases between the parties are pending shall deal with them independently and in accordance with law. However, we expect the 4th and 5th respondents to conduct their business strictly in accordance with the licenses which have been granted to them by different Authorities. We note the grievance of Mr. Singh that the first petitioner has no locus to file the petition because she has already sold the property and so far as the second petitioner is concerned there are no averments made in the Petition showing how she is aggrieved. We express no opinion on this.

3. Petition is disposed of accordingly.

(SMT. ROSHAN DALVI, J.) **(SMT.RANJANA DESAI, J.)**